

A. C. JEWELL.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

PAPERS IN THE CLAIM OF A. C. JEWELL.

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FEBRUARY 1, 1902.—Referred to the Committee on Claims and ordered to be printed.

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WAR DEPARTMENT,  
*Washington, January 30, 1902.*

SIR: I have the honor to transmit herewith papers in the claim of A. C. Jewell, of Bellevue, Nebr., for injuries to his horse, alleged to have been shot by United States troops while at rifle practice at Fort Crook, Nebr., on June 20, 1900.

Attention is invited to the accompanying report of a board of officers, who state that the horse in question, at the time of the accident, was worth not to exceed \$50, and recommend the payment of that amount by the United States. As there is no appropriation of the War Department applicable to the payment of this claim, the matter is submitted to Congress for such action as it may be pleased to take.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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OMAHA, *January 21, 1901.*

DEAR SIR: We inclose the claim of A. C. Jewell for damages by reason of the loss of a horse. We were informed at the department headquarters in this city that the proper procedure for us to follow would be to file the claim with you, and that you would forward it to them; that it is necessary for it to pass through your hands.

Yours, very truly,

HALL & McCULLOCH.

THE COMMANDING OFFICER AT FORT CROOK,  
*Fort Crook, Nebr.*

A. C. JEWELL.

[First indorsement.]

FORT CROOK, NEBR., *January 24, 1901.*

Respectfully forwarded to the adjutant-general, Department of the Missouri. On June 20, 1900, Company M, Tenth Infantry, was engaged in company volley firing on the target range at this post. It was reported to me on the day following, by Mr. A. C. Jewell, that his horse had been shot.

W. T. DUGGAN,  
*Major, Tenth Infantry, Commanding Post.*

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Omaha, Nebr., January 25, 1901.*

Respectfully returned to the commanding officer, Fort Crook, Nebr., who will convene a board of officers to examine into and report upon the facts in this case and submit recommendation.

By command of Brigadier-General Lee:

R. E. L. MICHIE,  
*Assistant Adjutant-General.*

[Third indorsement.]

FORT CROOK, NEBR., *January 26, 1901.*

Respectfully referred to Second Lieut. R. C. Hand, Tenth Infantry, recorder board of officers appointed to meet at this post per paragraph 2, Special Orders, No. 8, c. s., post, for the board's information.

This paper to be returned.

By order of Major Duggan:

W. E. WELSH,  
*First Lieutenant and Battalion Adjutant, Tenth Infantry, Adjutant.*

FORT CROOK, NEBR., *February 8, 1901.*

Respectfully returned to the adjutant, Fort Crook, inclosing proceedings of a board of officers.

R. C. HAND,  
*Second Lieutenant, Tenth Infantry, Recorder.*

[Fourth indorsement.]

OFFICE OF THE POST COMMANDER,  
*Fort Crook, Nebr., February 11, 1901.*

Respectfully returned to the adjutant-general, Department of the Missouri, with proceedings of a board of officers inclosed herewith.

W. T. DUGGAN,  
*Major, Tenth Infantry, Commanding Post.*

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
OFFICE CHIEF QUARTERMASTER,  
*Omaha, Nebr., February 12, 1901.*

Respectfully returned to the adjutant-general, Department of the Missouri, recommending that the proceedings be forwarded for the action of higher authority.

F. H. HATHAWAY,  
*Deputy Quartermaster-General, U. S. A., Chief Quartermaster.*

[Seventh indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
*Omaha, Nebr., February 13, 1901.*

Respectfully forwarded to the Adjutant-General of the Army, concurring in the recommendation of board of officers as given in proceedings inclosed.

FITZ LEE,  
*Brigadier-General, Commanding.*

[Eighth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, February 19, 1901.

Respectfully referred to the Quartermaster-General, United States Army.  
By order of the Secretary of War:

GEO. ANDREWS,  
Assistant Adjutant-General.

[Ninth indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, February 21, 1901.

Respectfully submitted to the honorable the Secretary of War the inclosed claim of A. C. Jewell for injuries to his horse, alleged to have been shot by United States troops while at rifle practice at Fort Crook, Nebr., June 20, 1900.

A board of officers convened in pursuance of Special Orders, No. 8, of Maj. W. T. Duggan, Tenth Infantry, January 26, 1901, who reports that the horse at the time of the accident was worth not to exceed \$50 and that would be a liberal estimate, and recommends the payment of that amount by the United States.

As there is no appropriation applicable for payment of this class of claims, it is recommended that this claim be transmitted for the action of Congress.

M. I. LUDINGTON,  
Quartermaster-General, U. S. A.

OMAHA, May 22, 1901.

DEAR SIR: Some months ago we filed with the commanding officer at Fort Crook a claim on behalf of A. C. Jewell, of Bellevue, Nebr., for the loss of a horse. Since then, as we are informed, a hearing has been had before a board of examiners to determine the facts and the amount of compensation.

Mr. Jewell is now anxiously inquiring how long it will be before the matter is finally settled. The reason that we thus inquire is that Mr. Jewell has met with an accident that has laid him up for a time, and he is in need of funds.

Thanking you for any information that you can give us in the premises, we remain,

Yours, very truly,

HALL & McCULLOCH.

Lieut. Col. F. H. HATHAWAY,  
Deputy Quartermaster-General, U. S. A., Omaha, Nebr.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
OFFICE CHIEF QUARTERMASTER,  
Omaha, Nebr., May 24, 1901.

Respectfully forwarded to the adjutant-general, Department of the Missouri.

A board of officers was convened at Fort Crook, Nebr., in the case herein referred to, and the proceedings were returned to your office February 12, 1901, recommending reference to higher authority.

F. H. HATHAWAY,  
Deputy Quartermaster-General, U. S. A., Chief Quartermaster.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,  
Omaha, Nebr., May 24, 1901.

Respectfully forwarded to the Adjutant-General of the Army, inviting attention in connection herewith to the proceedings of a board of officers forwarded from these headquarters to your office February 13, 1901, concurring in the recommendation of the board.

JAMES B. ERWIN,  
Captain, Fourth United States Cavalry,  
Acting Assistant Adjutant-General, in Absence of Department Commander.

A. C. JEWELL.

[Third indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
*Washington, May 28, 1901.*

Respectfully referred to the Quartermaster-General, United States Army, with reference to papers in the case referred to him February 19, 1901.

By order of the Secretary of War.

GEO. ANDREWS,  
*Assistant Adjutant-General.*

[Fourth indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
*Washington, June 1, 1901.*

Respectfully submitted to the honorable the Secretary of War in connection with the claim of A. C. Jewell for injuries to his horse, alleged to have been shot by United States troops while at rifle practice at Fort Crook, Nebr., June 20, 1900, which was submitted to the Secretary of War February 21, 1901.

M. I. LUDINGTON,  
*Quartermaster-General, U. S. A.*

Proceedings of a board of officers which met at Fort Crook, Nebr., pursuant to the following order:

SPECIAL ORDERS, }  
No. 8. }FORT CROOK, NEBR., *January 26, 1901.*

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2. A board of officers consisting of Capt. B. M. Purssell, Tenth Infantry; First Lieut. M. E. Saville, Tenth Infantry; Second Lieut. R. C. Hand, Tenth Infantry, will convene at this post to-day at 2 p. m., or as soon thereafter as practicable, to examine into and report upon facts and submit recommendations concerning a horse owned by A. C. Jewell, who claims that the horse was shot while the troops of this command were engaged in rifle practice on the target range during the year 1900.

By order of Major Duggan:

W. E. WELSH,  
*First Lieutenant and Battalion Adjutant, Tenth Infantry, Adjutant.*FORT CROOK, NEBR., *January 26, 1901.*

The board of officers met pursuant to the foregoing order at 2 p. m.

Present: All the members.

The board read and discussed the evidence before it, viz, the letter of Mr. Jewell, dated January 21, 1901 (copy hereto attached, marked "A"), and his affidavit (hereto attached, marked "B").

The board directed the recorder to see Mr. Jewell and request him to bring the horse before the board for inspection. This was done, and, while the horse appeared to be in ill condition and poor flesh, there was no external mark or evidence of his wound. He was found to be about 12 or 13 years old, and Mr. Jewell stated that he had made no effort to use the horse since the date of his injury. Mr. Jewell was requested to submit any additional evidence relative to the alleged shooting or the value of the horse at the time and as to his condition since, and in response to this invitation submitted the affidavit hereto attached, marked "C."

The board finds there is no evidence that the horse was shot by a rifle in the hands of a United States soldier at target practice on June 20, 1900, except Mr. Jewell's affidavit to that effect, but, as he has the reputation of being a reputable, honest, and truthful citizen in the community in which he lives, the board believes his statement as set forth in his affidavit to be true, and that the horse was probably shot by a ricocheting bullet fired from the 800 or 1,000 yard range on June 20, 1900, by some man of Company M, Tenth Infantry.

The board is of the opinion that the horse at the time of the accident was worth not to exceed fifty (\$50) dollars, and that this is a liberal estimate.

The board recommends that Mr. Jewell be reimbursed by the United States for the value of the horse as above determined.

The board also finds that every possible care was exercised by the officers in charge of the volley firing at the time of the accident; that a guard was stationed to see that



no person was in the fields back of the range; but that the horse, at the time of the accident, was so far away, and so far out of the track of any probable stray bullets that it was not believed he could be in any possible danger.

There being no further business before it, the board then adjourned.

B. M. PURSELL,  
*Captain, Tenth Infantry, President.*  
 M. E. SAVILLE,  
*First Lieutenant, Tenth Infantry, Member.*  
 R. C. HAND,  
*Second Lieutenant, Tenth Infantry, Recorder.*

FORT CROOK, NEBR., *February 9, 1901.*

Approved.

W. T. DUGGAN,  
*Major, Tenth Infantry, Commanding Post.*

A.

OMAHA, *January 21, 1901.*

DEAR SIR: We inclose the claim of A. C. Jewell for damages by reason of the loss of a horse. We were informed at the department headquarters in this city that the proper procedure for us to follow would be to file the claim with you and that you would forward it to them; that it is necessary for it to pass through your hands.

Yours, very truly,

HALL & McCULLOCH.

The COMMANDING OFFICER AT FORT CROOK,  
*Fort Crook, Nebr.*

A true copy.

R. C. HAND,  
*Second Lieutenant, Tenth Infantry.*

B.

The COMMANDING OFFICER AT FORT CROOK:

A. C. Jewell, of Bellevue, Nebr., respectfully submits the following claim for damages, and the following statement of facts in support thereof, which he requests may be transmitted to the proper authority for consideration:

On the 20th day of June, 1900, and for some time theretofore, A. C. Jewell, the claimant, was the owner of a certain bay horse suitable for farm use, and which was in constant use by the claimant in farm work.

On the said date, to wit, the 20th day of June, 1900, the said horse was being used on the farm to the north of Fort Crook and a little to the west of the rifle range of the said Fort Crook, and at the same time a company of soldiers stationed at the said Fort Crook was engaged in rifle practice at the said rifle range, and was firing volleys at 800 yards, when the said horse was struck by a bullet fired by one of the soldiers so engaged in rifle practice, the bullet entering the flank of the said horse.

The horse is still alive, but has been of no value since the above date, and has been totally incapacitated and rendered worthless by reason of the premises.

The bullet did not pass through the body of the horse, but remained in the animal, and if required the animal can be killed and the bullet removed as proof that the bullet came from a rifle in the hands of one of the soldiers of the United States Government.

The horse was of the reasonable value of \$80, and by reason of the premises the claimant, A. C. Jewell, prays that he may be allowed the sum of \$80 as compensatory damages.

A. C. JEWELL,  
 By HALL & McCULLOCH,  
*His Attorneys.*

STATE OF NEBRASKA, *Douglas County*, ss:

A. C. Jewell, being first duly sworn, deposes and says that he is the claimant mentioned in the foregoing; that he has read the above claim, and that the statements made therein are true.

A. C. JEWELL.

Subscribed in my presence and sworn to before me this 19th day of January, 1901.

[SEAL.]

ELLERY H. WESTERFIELD,  
*Notary Public.*

C.

STATE OF NEBRASKA, *Sarpy County*, ss:

We, J. J. Zucher and W. H. Myers, being duly sworn, do depose and say that in the summer of 1900 A. C. Jewell worked our farm, north of the Fort Crook reservation; that one of the horses there worked by him was brown, with white stripe in face; that said horse was in good condition and did good work, and from what we saw of said horse say that he was good and able horse to work. This was immediately prior to the time when we understood said horse was shot.

JOHN J. ZUCHER.  
W. H. MYERS.

Sworn to before me and signed in my presence this 29th day of January, 1901.

[SEAL.]

JOHN Q. GOSS,  
*Notary Public.*

Commission expires December 20, 1904.

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